Retlif Testing Laboratories

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May 29, 1995

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Subject: Notice of Proposed Rule Making Dated Feb. 7, 1995
ET Docket No. 95-19

Dear Sir:

I am writing you as president of **RETLIF TESTING LABORATORIES** to express the opinions and concerns of our organization with regards to the above referenced Notice of Proposed Rule Making (NPRM).

RETLIF TESTING LABORATORIES is a 16 year old conformity assessment testing laboratory specializing in EMC and Environmental Simulation testing services. We currently maintain two locations, our headquarters, in Ronkonkoma, Long Island , New York and a branch facility in Manchester, New Hampshire.

With FCC type testing being the first service we offered 16 years ago, we at **RETLIF** have enjoyed a long relationship with the Commission. **RETLIF** itself has maintained a leadership role in the EMC testing community, being a strong advocate for laboratory accreditation and international acceptance of U.S. generated test data. Attesting to these statements are the fact that we, **RETLIF**, were the initial requestors for the generation of the original NVLAP EMC laboratory accreditation program. In addition, in the area of international acceptance of U.S. test data, I have chaired the 1992 ACIL/AEA/NIST EMC European Community Workshop, currently chair the U.S. Dept. of Commerce's EMC/Telecom/EC Sectoral Advisory Committee and currently act as a "Federally Appointed" EMC expert on the U.S.T.R./Dept. of Commerce trade team negotiation Mutual Recognition Agreements with the European Community.

We at **RETLIF** support the Commission proposal for the use of Manufacturer's Declarations of Conformity (DOC), **PROVIDING** that such rule making also mandates the formal (NVLAP) accreditation of all **INDEPENDENT** testing laboratories providing data in support of such DOCs. Without the laboratory accreditation component we could not support the concept of a manufacturer's

We make these comments based on the following principles:

HARMONIZATION WITH INTERNATIONAL SYSTEMS

Product approval based on a manufacturer's DOC is rapidly becoming more and more the norm in international conformity assessment systems. A review of the European Community's system shows how the manufacturer's DOC concept can be effectively used in many areas. Currently much of their EMC Directive, Low Voltage Directive, and Machinery Directive are based on DOCs. Even the Telecom Terminal Equipment Directive and the Medical Device Directive have some provisions for a manufacturer's DOC. **HOWEVER**, that is not the end of their system. Notified and Competent Bodies, which can be viewed as akin to the accredited laboratories the Commission is suggesting, are also an important part of the EC system. Also included are formal subcontracting procedures for both Notified and Compedent Bodies which mandate formal laboratory accreditation of labs wishing to subcontract with such bodies. Clearly if we are to harmonize let us do it logically, incorporating <u>all</u> aspects of international systems and not just bits and pieces.

PROTECTION OF THE U.S. CONSUMER

Although it is logical that all prudent and responsible U.S. manufacturers could be trusted to fulfill all of the requirements of a system based on DOCs, it would appear foolish to believe that all foreign manufacturers would be as committed to compliance. Either through ignorance of indifference it is safe to assume that some "offshore basement entrepreneurs" may attempt to circumvent the system. Since this is most likely to occur by smaller less equipped manufacturers, the mandated use of an accredited laboratory (and having that laboratory listed on the DOC) is a form of checks and balances for the system. Assuring that a foreign laboratory "even" exists and that it is capable of providing the required testing is certainly a step in the right direction in assuring some level of confidence in the products being sent to our marketplaces. This is especially needed considering that it is possible that some of the products covered by this rule making may find their way into "EMC Sensitive" areas such as hospitals and medical offices.

GROWING INTERNATIONAL IMPORTANCE PLACED ON LABORATORY ACCREDITATION

Australia, South Korea, Canada, Mexico, the European Community, market after market are imposing mandated laboratory accreditation systems. As a member of the U.S./E.C. negotiating team, I can assure you that the competence of testing laboratories is becoming a greater and greater issue in international trade and international trade negotiations. The Commission should be

commended for recognizing this issue and incorporating it in the NPRM. Although its application to manufacturer's laboratories can be questioned, its applicability to independent laboratories is significant, timely and internationally needed.

ADDITIONAL SPECIFIC NPRM COMMENTS

Section 6 - With regards to the DOC itself, we would recommend that if an independent laboratory performed the testing on the device being declared, the laboratory should be listed on the DOC.

Section 7 - We agreed with the Commission that some form of labeling should exist to attest compliance with the requirements. We further agree that the "user information" requirements for the user manuals continue since it is most likely because of these general guidelines that the Commission receives less consumer questions regarding interference.

Section 8 - Based on what is currently being done in various international systems using DOCs, we do not see a clear "present" need for accreditation of manufacturer's laboratories. With regards to "alternate methods of accrediting laboratories", we would offer the following. Clearly the current NVLAP program is the most established in this area and NVLAP accreditation should certainly be the acceptable route of choice. However other accreditation agencies such as the American Association for Laboratory Accreditation (A2LA) should be able to also administer an acceptable EMC accreditation program. We would suggest that any accreditation program, which is based on current international ISO standards, be accepted, **providing they meet the requirements of the FCC.** Further we would strongly encourage greater efforts on the part of NVLAP to enter into more Memorandums of Understandings (MOU) with other international accrediting bodies in order to address the accreditation of foreign laboratories.

OUR ACCREDITATION EXPERIENCES

As one of the longest standing accredited EMC laboratories in the country we at **RETLIF** have had considerable experience in the accreditation process and its costs. Accreditation makes for a better laboratory. It make certain that such necessary "building blocks" such as Calibration, Quality Assurance, Training, Document Control and Testing oversight are in place to assure for repeatable professional testing services. A "good" accreditation should be a "good" learning experience for a "good" laboratory, especially

one that wants to be better. Cost, are always a concern, however there are certainly economies of scale that will take place if more laboratories enter into the NVLAP program or any other program. The more an accreditor can spread his administrative fees over more laboratories the less the charges are to each laboratory.

Finally we would encourage the Commission to specifically solicit the views of small to midsize U.S. manufacturers who are the typical independent laboratory customer. I would suggest that their opinions may be quite different then that of the large multi-nationals who seem to be quite opposed to any form of laboratory accreditation. I can understand their opposition to accreditation of their own labs especially considering the number that some have and their worldwide locations. But the opposition to accreditation of independent laboratories is quite bewildering and somewhat offensive in that independent laboratories are a different industry sector and should be able to "speak for themselves". We would suggest that the small to midsize manufacturers that **RETLIF** services **want** us accredited. **(See Attached Petitions)** They want our test data accepted worldwide and since they are not multinationals, they realize the need for and dependance on independent third party testing.

We thank you for the opportunity to comment on this most important rule making decision and hope that any decisions the Commission may make in this area reflects the needs and desires of both large and small manufacturers and the independent testing community.

Very truly yours,

RETLIF TESTING LABORATORIES

Walter A. Poggi
President

WAP/ap
cc. ACIL
The M Companies

Ri Riff Testing Laboratories
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I (we) support the FCC NPRM dated February 7, 1995 (ET Docket No. 95-19; FCC 95-45 for the use of a Manufacturer's Declaration of Conformity (DoC) as a replacement to the current Part 15 Certification process, ***PROVIDING THAT SUCH RULE MAKING ALSO MANDATES THE FORMAL (NVLAP) ACCREDITATION OF ALL INDEPENDENT TESTING LABORATORIES.***

NAME (PRINTED)	SIGNATURE	COMPANY
DAVID STERNER	David B Sterner	Standard Microsystems Corporation
Bruce B Willard	Bruce B Willard	Loral Fairchild Systems
RICK RANGER	Richard H. Ranger	HARRIS CORP
Rich Lanzillotto	Rich Lanzillotto	NATS Corp.
Norman Weingart	Norman Weingart	Communications Specialties
ROBERT C. WILLIAMS JR	Robert C. Williams Jr.	E-T-BTM, INC.
STEVE BROOY	Steve Brooy	Symbol Technologies Inc
DANIEL J. O'SULLIVAN	Daniel J. O'Sullivan	ADEMCO MANUFACTURING CO.
CLYDE SCHLEIN	Clyde Schlein	BIODEX MEDICAL SYS.

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NAME (PRINTED)	SIGNATURE	COMPANY
Michael J. Mosca		PictureTel
Richard G. Gullotti		AT&T
Don. S. Carroll		Rolm
Michael A. Britko		Wang
Chris Landry		WPI Terminflex
James Blake		WPI Terminflex
Jacques Raby		WPI Terminflex
Stephen Kopiski		Summa Four Inc.

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NAME (PRINTED)	SIGNATURE	COMPANY
Kevin Stephens	Kevin Stephens	ASA
William Cianci	William J Cianci	POLAROID CORP.
Gregory Kamenetsky	G. Kamenetsky	Polaroid Corp.
BRUCE A. CONTI	Bruce A Conti	LEXICON, INC.
M. Sawchik	M Sawchik	Allen-Bradley
M. MERTINOOKE	Michael Mertinooke	ASA
R MOUL	R Moul	ASA
M. Hamilton	Maryann Hamilton	ASA
ROBERT CARPINO	Robert Carpino	AEG Schneider
Philip E Marcotte	Philip E Marcotte	Telefrol Systems, Inc.
Martin R. Leima	Martin R. Jim	Primary Rate, Inc.